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MEMORANDUM

FROM: Craig Robson
DATE: November 17th, 2025
FILE: 19773
RE: Servicing and Ontario Building Code Watson Parkway Development Guelph

Background

The proposed buildings on Block 1 and Block 2, and Buildings 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3J, 3K, 3N, 3O, 3R of this development are proposed to have piping for collected rain water connect to Private Sewers (as defined in the current Ontario Building Code (the “OBC”)) that transport such water in each case, to a private infiltration gallery. The Private Sewers will be within Block 3 and the common elements of the proposed common elements condominium plan serving the townhome buildings and subject to easements in favour of all properties making use of the Private Sewers.

The Private Sewer from Blocks 1 and 2 drains to an infiltration gallery within Block 3 which overflows to the wetlands at the southern end of the property. In our opinion the wetlands do not constitute a public service. Hence no proposed piping from within the buildings on Blocks 1 and 2 connects directly or indirectly to a public service.

The Private Sewers from Block 3 drain to infiltration galleries within Block 3 which either overflow to the wetlands at the southern end of the property or public storm sewer.

Runoff from the roofs of Block 1 and Block 2 buildings is proposed to flow through piping inside the buildings before discharging to the clean water system piping located outside the buildings.

Runoff from the roofs of and Buildings 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3J, 3K, 3N, 3O, 3R is to flow through downspouts **located outside of the buildings** and connect to the applicable Private Sewer through individual storm building sewers. Hence there is no relevant “**piping in any building**” on Block 3.

We are advised the City of Guelph views the foregoing as not being in compliance with Section 7.1.2.4 of the current OBC. This section provides:

7.1.2.4. Separate Services

- (1) Except as provided in Sentences (2) and (3), piping in any *building* connected to the public services shall be connected separately from piping of any other *building*, except that an ancillary *building* on the same property may be served by the same service. (See Note A-7.1.2.4.(1))
- (2) No *plumbing* serving a *dwelling unit* shall be installed in or under another unit of the *building* unless the piping is located in a tunnel, pipe corridor, common *basement* or parking garage, so that the piping is *accessible* for servicing and maintenance throughout its length without encroachment on any private living space, but this Sentence does not prevent *plumbing* serving a unit located above another unit from being installed in or under the lower unit.
- (3) *Water service pipes* or *building sewers* serving *buildings* located on the same property may connect into a *private water supply* or a *private sewer* conforming to Article 7.1.2.5.

We disagree with the City’s conclusion for the following reasons:

1. Section 7.1.2.4 (1) of the OBC only speaks to “piping in a building”. This may apply to the buildings proposed for Blocks 1 and 2, as the roof runoff piping for those buildings is proposed to enter the buildings on those Blocks before exiting the buildings by way of building sewers that connect to the Private Sewer discussed above.

However, the roof top run off for the relevant town home buildings will never enter any building as the water from those townhome buildings is proposed to run through downspouts located on the outside of the townhomes. Hence the piping from the foregoing proposed townhomes does not fall within the prohibition of 7.1.2.4(1) as there will be no relevant piping in any building on Block 3.

2. Section 7.1.2.4 of the OBC only applies to **(1) piping in a building (2) that is connected to a public service**. In our opinion both these criteria must be present for Section 7.1.2.4 to be applicable.

None of the rooftop drainage from any building on the property is proposed to connect directly to a public service although at least one (1) of the infiltration galleries serving Block 3 overflows to a public service located within Watson Parkway. It is our opinion that the infiltration gallery that overflows to the public service within Watson Parkway with respect to some of the Block 3 rain water runoff is no longer piping and that at most the piping from the townhomes that drain to that infiltration gallery ceases to be piping when such piping reaches the infiltration gallery and from that point on, there is no piping that emanates from inside of any building.

The infiltration gallery that accommodates Block 3 rain water runoff and overflows to the wetland is not overflowing to a public service. The balance of the rainwater runoff from the relevant townhomes is proposed to drain to one (1) or more infiltration galleries that overflow to the wetland at the south end of the property.

3. All relevant roof top drainage piping connects to one (1) of the Private Sewers referred to above which outlet to proposed non-public infiltration galleries.

4. The City may be relying on a recent Building Code Commission decision involving the City of Waterloo, in reaching its conclusion about the proposed clean water collection system. That case was decided under the prior version of the OBC. The relevant section from that prior version of the OBC provided:



7.1.5.4. Separate Services

- (1) *Except as provided in Sentences (2) and (3), piping in any building shall be connected to the public services separately from piping of any other building. (See Appendix A.)*
- (2) *An ancillary building on the same property as the main building may be served by the same service.*
- (3) *Water service pipes or building sewers serving buildings located on the same property may connect into a private water supply or a private sewer conforming to Article 7.1.5.5.*
- (4) *No plumbing serving a dwelling unit shall be installed in or under another unit of the building unless the piping is located in a tunnel, pipe corridor, common basement or parking garage, so that the piping is accessible for servicing and maintenance throughout its length without encroachment on any private living space, but this Sentence does not prevent plumbing serving a unit located above another unit from being installed in or under the lower unit.*

The City of Waterloo had interpreted this to mean piping in any building must connect to a public service separately from the piping in any other building other than an ancillary building on the same property. The wording has now changed in the updated OBC to only apply to piping that is actually connected to a public service which is not proposed in this instance with respect to the clean water distribution system.

We are advised the City requires the infiltration galleries in order to allow the site to achieve water balance and that the proposed non-public infiltration galleries are permitted final places of disposal for the rainwater runoff.

In our opinion as a Private Sewer can be a place of disposal, a storm building sewer ceases to be a storm building sewer once the same reaches a Private Sewer and that a Private Sewer is not a storm building sewer. See definition of a storm building sewer:


A Storm building sewer means a building sewer that conveys storm sewage to a place of disposal and commences 1 000 mm from the building.

Possible Middle Ground

If the foregoing is not sufficient to allow the City to relax its position on this issue the provisions of A-7.1.2.4.(1) of the OBC could be invoked. We have examples of such agreements that have been entered into with the City of Waterloo and could provide the same for review.

A-7.1.2.4.(1) of the OBC provides:

A-7.1.2.4.(1) Service Piping.



Building sewers and water servicing piping serving buildings that are not located within the same property may be interconnected if the owners of the properties and the municipality enter into an agreement that is registered against the title to which it applies.

Another solution to this issue could be for the City to approve an Alternative Solution as contemplated by the OBC. See discussion at the following link.

[Alternative Solutions for Ontario Building Code Compliance](#)

In order to propose an alternative solution, it is necessary to understand what, if any practical concerns, (other than compliance with the City's interpretation of the OBC provision) the City may have with the proposed configuration of the clean water distribution system for this project. In short what is the concern that needs to be addressed?

Summary

In summary it is our opinion that Section 7.1.2.4 of the current OBC is not being violated by the proposed clean water system configuration for the following reasons;

1. The roof top runoff from proposed buildings on Blocks 1 and 2 drains to a private infiltration gallery that overflows to a wetland so there is no proposed connection of the storm water piping from the Blocks 1 and 2 buildings to a public service. As there is no proposed connection to a public service for the storm water piping from the proposed buildings on Blocks 1 and 2 the second criteria for section 7.1.2.4 to be applicable (namely being connected to a public service) does not exist.
2. The roof top runoff from the proposed town homes on Block 3 is proposed to drain to private infiltration galleries with overflows from such galleries either to the wetland or a public storm sewer. Hence it is our opinion there is no piping from the town homes that is proposed to be connected to a public service.
3. The roof top drainage from the proposed townhomes on Block 3 is not proposed to enter any building on Block 3 which is a pre requisite to Section 7.1.2.4 being applicable.